

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

JAMES CHARLES FUDGE,

Plaintiff,

v.

No. 2:19-cv-01102-SB

BRET BENNETT et al.,

OPINION AND ORDER

Defendants.

MOSMAN, J.,

On January 5, 2021, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F. & R.) [ECF 70]. In her F. & R., Judge Beckerman recommends that I DENY Plaintiff James Charles Fudge's Motion for Leave to ID/Name Unknown Doe(s) [ECF 34]. She further recommends that I DISMISS with prejudice all the John and Jane Doe defendants. Mr. Fudge filed Objections [ECF 86], and Defendants filed a Response [ECF 88]. Upon review, I ADOPT Judge Beckerman's F. & R. as my own opinion.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with and therefore ADOPT Judge Beckerman's F. & R. [ECF 70] as my own opinion. I DENY Mr. Fudge's Motion for Leave to ID/Name Unknown Doe(s) [ECF 34], and I DISMISS with prejudice all the John and Jane Doe defendants.

IT IS SO ORDERED.

DATED this 13th day of April, 2021.


MICHAEL W. MOSMAN
United States District Judge